

Exhibit 1

MICHAEL SHAMOS
 UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS

- - -
 ANYWHERECOMMERCE, : CIVIL DOCKET
 INC., and BBPOS LIMITED :
 :
 PLAINTIFFS : NO.
 : 1:19-cv-11457-IT
 vs. :
 :
 INGENICO, INC., INGENICO :
 CORP., and INGENICO :
 GROUP SA :
 :

DEFENDANTS :
 :

- - -
 REMOTE DEPOSITION OF
 MICHAEL SHAMOS

- - -
 Taken remotely, via Zoom, on Tuesday,
 May 17th, 2022, beginning at 10:00 a.m., before
 Beau Dillard, RPR, a Notary Public in and for
 the Commonwealth of Pennsylvania, State of
 New York and Certified Registered Professional
 Reporter.

- - -
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A L S O P R E S E N T : Dylan Gillespie,
The Technician
Robert Leventhal,
The Videographer

- - -

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2 Q. Summaries, correct. All right.
3 So the first one in Paragraph 18, you state
4 Mr. Zatkovich has not shown that any of the
5 alleged trade secrets were actually trade
6 secrets. In fact, they're not.

7 A. Yeah. That's two opinions.

8 Q. Okay. When you say in fact,
9 they're not. Are you referring -- what are you
10 referring to?

11 A. So something is not a trade
12 secrets if it has appeared in published
13 sources. Something is not a trade secret if it
14 is readily ascertainable by a proper mean.

15 Q. Uh-huh.

16 A. In every case for all the
17 alleged trade secrets, they were either
18 disclosed in publically available sources or
19 they were readily ascertainable by proper
20 means.

21 Q. Okay. So I -- in going through
22 your report, and I think it's consistent with
23 the statements you've made today, you've
24 expressed the opinion that conceptionally,
25 these trade secrets alleged by BBPOS are

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2 Q. So you said here any detection
3 embodied in any BBPOS circuits could be readily
4 ascertained by reverse engineering.

5 Do you see that?

6 A. Yes. You open the box and you
7 look at the circuit.

8 Q. Okay. Is that the basis for
9 your opinion?

10 A. Yes.

11 Q. Okay is there any other
12 information that you -- or data that you looked
13 at that would be also relevant to the
14 conclusion that you reached?

15 A. Don't need any. If you allege
16 that a circuit is a trade secret and you put
17 your circuit in publically available devices,
18 it's no longer a trade secret, that's why we
19 have patents.

20 Anybody can open it up look at
21 it and say, oh, I can use that. I'll put that
22 in my device, no prohibition against that
23 unless it's patented.

24 Q. Does your conclusion in this
25 regard necessarily assume that it's in the

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2 the nature of the contract was between the
3 holder of the device and the emitter of the
4 device. If they were under obligation of
5 confidentiality and had a prohibition against
6 reverse engineering, then that would not
7 officiate the trade secret.

8 Q. Okay. Let's -- let's move to 95
9 of your report and this is just as a preview, I
10 think these are all going to be references to
11 the reverse engineering. So that's 95.

12 A. Same answer to both questions.

13 Q. Okay. So this is the basis of
14 your opinion is that it is a circuit and once
15 it's in the public realm, it is capable of
16 being reverse engineered?

17 A. Well, it -- it's not actually
18 even reverse engineering, it's just looking and
19 seeing what it is. And just taking it and
20 putting it in your own product. Reverse
21 engineering implies that you have to do some
22 work to figure out how it works so you can
23 understand its principle of operation.

24 That would not be necessary,
25 once you identified that this is a polarity

MICHAEL SHAMOS
C E R T I F I C A T E

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF PHILADELPHIA:

I, Beau Dillard, RPR, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing deposition of MICHAEL SHAMOS was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand this 20th day of May, 2022.



Beau Dillard, RPR
Notary Public